



Entered on Docket
October 27, 2011

**Hon. Linda B. Riegle
United States Bankruptcy Judge**

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

Case No. BK-S-06-10725-LBR

USA COMMERCIAL MORTGAGE COMPANY,

CHAPTER 11

Debtor.

**Order Setting Status Conference on
Response of Ovca Accociates, Inc. Defined
Pension Plan to Tenth Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based In Part Upon Investment In The
Fox Hills 216, LLC Loan**

Hearing Date: September 30, 2011

Hearing Time: 9:30 a.m.

**Status Hearing Date: December 19, 2011
Hearing Time: 9:30 a.m.**

The Tenth Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Fox Hills 216, LLC Loan (“Fox Hills Loan”) [DE 8621] (the “Objection”); with regard to the response filed by Ovca Associates, Inc., Defined

1 Pension Plan, ("Ovca Associates"), [DE 8937] re Claim No. 10725-01574 came before the
 2 Court for consideration at the continued hearing on September 30, 2011 at 9:30 a.m.. Due
 3 notice of the September 30, 2011, hearing was provided to Ovca Associates. Counsel for
 4 the Trustee having appeared, Ovca Associates did not appear. Good cause now appearing,
 5 it is

6 ORDERED:

7 1. A status conference is set before this Court regarding the Objection as it
 8 relates to Proof of Claim No. 10725-01574 filed by Ovca Associates for **December 19,**
 9 **2011 at 9:30 a.m.** at the U.S. Bankruptcy Court, 300 Las Vegas Boulevard South;
 10 Courtroom # 1, Las Vegas, NV 89101;

11 2. Ovca Associates' failure to appear at the hearing may be deemed a
 12 withdrawal of the response and, consequently, the Court would sustain the USACM
 13 Liquidating Trust's objection without further proceedings, meaning that Ovca Associates'
 14 claim would be disallowed;

15 3. Ovca Associates may appear telephonically at the status conference on
 16 December 19, 2011 by sending a written request to the Honorable Linda B. Riegle, U.S.
 17 Bankruptcy Court; 300 Las Vegas Boulevard South; Las Vegas, NV 89101 or by sending a
 18 facsimile request to 702-527-7015. The written request must be received by the Court on
 19 or before December 9, 2011 or it will be denied without good cause shown for failing to
 20 timely request permission to appear telephonically; and

21 4. Once the Court grants Ovca Associates permission to appear telephonically,
 22 Ovca Associates should contact CourtCall at least 48 hours prior to the hearing by
 23 telephone at 1-888-882-6878, or by facsimile at 888-883-2946, to make arrangements for
 24 the telephonic appearance. CourtCall will require Ovca Associates to provide the Court
 25 location, Judge's name, case name, case number, and date and time of the hearing.
 26 CourtCall charges are to be paid by claimant.

1 PREPARED AND RESPECTFULLY SUBMITTED BY:

2 **LEWIS AND ROCA LLP**

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4 By /s/ John Hinderaker (AZ #018024)

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6 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

This Court has waived the requirement set forth in LR 9021(b)(1).

xxx No party appeared at the hearing or filed an objection to the motion.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker (AZ #018024)
Attorneys for USACM Liquidating Trust

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